

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

|               |   |                                      |
|---------------|---|--------------------------------------|
| TESLA, INC.,  | ) | 3:18-CV-0296-LRH-CBC                 |
|               | ) |                                      |
| Plaintiff(s), | ) | <b><u>MINUTES OF PROCEEDINGS</u></b> |
|               | ) |                                      |
| vs.           | ) | DATED: October 1, 2018               |
|               | ) |                                      |
| MARTIN TRIPP, | ) |                                      |
|               | ) |                                      |
| Defendant(s). | ) |                                      |
| _____         | ) |                                      |

PRESENT: THE HONORABLE CARLA BALDWIN CARRY, U.S. MAGISTRATE JUDGE  
Deputy Clerk: Lisa Mann Court Reporter: FTR  
Counsel for Plaintiff(s): Allison Libeu and Stephen Richards  
Counsel for Defendant(s): William Fischbach, III

PROCEEDINGS: CASE MANAGEMENT CONFERENCE

9:00 a.m. Court convenes.

The Court advises the parties of the documents the Court has reviewed in preparation for this hearing.

The Court and the parties discuss the parties' joint case management report (ECF No. 40).

Having heard from counsel and good cause appearing, the Court finds as follows:

**1. Initial disclosures**

Counsel report that they have exchanged initial disclosures.

**2. Written discovery**

Counsel report that both sides have propounded written discovery.

**3. Depositions**

The Court inquires and counsel advise that they have not scheduled any depositions at this time.

Tesla, Inc. v. Martin Tripp  
3:18-CV-0296-LRH-CBC  
October 1, 2018  
Page 2

**4. Current discovery plan and scheduling order (ECF No. 31)**

The Court notes the current discovery plan and scheduling order may need to be extended.

**5. Electronically stored information (“ESI”**

The Court advises counsel that it appreciates the parties agreed upon protocol concerning ESI; however, the Court is concerned that there are no limitations on the scope of ESI in terms of dates or a time frame nor are there any limitations concerning search terms. Therefore, if there are any issues concerning ESI, the Court may impose such limitations.

**6. Privileged communications**

The Court advises the parties to be aware of any potential issues regarding privileged communications in an attempt to be prepared to resolve such issues if they arise.

**7. Protective order**

The Court and counsel discuss the parameters of a protective order in this case. The Court finds it is sufficient to designate information as attorneys’ eyes only; however, to the extent that the defendant needs to see the information, that review shall be done in the defendant’s counsel’s office in the presence of a third-party that prohibits the defendant from duplicating the information and taking it with him. If this becomes a serious problem, the Court advises counsel to contact chambers to determine how best to proceed. Counsel advise that they will work together regarding the Court’s concerns relating to the language set forth in a protective order. Counsel shall file a stipulated proposed protective order by no later than the close of business on **Thursday, October 11, 2018**. If there are issues concerning a stipulated protective order, counsel shall contact the Court on **Tuesday, October 9, 2018**, to schedule a telephonic hearing for resolution of the issues. The Court advises counsel that it will expect counsel to provide the Court with a redlined version of the proposed protective order.

**a. Expert notice provision**

The Court advises counsel that it will not impose the notice requirements as set forth by counsel and further advises that such requirements be deleted.

Tesla, Inc. v. Martin Tripp  
3:18-CV-0296-LRH-CBC  
October 1, 2018  
Page 3

**b. Filing of protected information**

Counsel are directed to comply with the LR IA 10-5(a) concerning the filing of protected information and shall file a motion for leave to file documents under seal.

**c. Termination of matter and retention of jurisdiction**

The Court advises counsel that the Court will not retain jurisdiction over this matter at the conclusion of this action; therefore, this provision shall be removed from the protective order. In addition, the wording at Item 17, Section (f), lines 3 through 6 shall be modified to reflect that the Court has jurisdiction only during the pendency of this litigation to insure that there is no confusion for the long term jurisdictional requirements or obligations of the District Court of Nevada as it relates to this protective order.

**8. Settlement conference**

The Court advises counsel that it is amenable to scheduling a settlement conference in this case earlier rather than later. If the parties are interested in participating in an early settlement conference, counsel have leave to file a stipulation for settlement conference and one will be scheduled.

**9. Further case management conference**

A further case management conference is set for **Monday, December 3, 2018 at 9:00 a.m.** Counsel are allowed to appear telephonically for this conference and shall dial **877-336-1829** at least five (5) minutes prior to the hearing to be properly connected into the courtroom. The **access code** is **2809752** and the **security code** is **18296**. Counsel shall file a joint or separate case management report by no later than **Tuesday, November 27, 2018**, outlining any discovery disputes. If discovery issues arise that require the Court's immediate attention, counsel have leave to file a request for expedited hearing under the appropriate Local Rule so that the matter can be decided sooner rather than later.

IT IS SO ORDERED.

9:47 a.m. Court adjourns.

DEBRA K. KEMPI, CLERK

By:                     /s/                      
Lisa Mann, Deputy Clerk